IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 34616 of 2007(U)

PETITIONERS:
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1. N.K.DEVASSIA, S/O.KURIAKOSE
NADACKAL HOUSE, (NOW RESIDING AT THODUPUZHA
EAST P.O., IDUKKI DISTRICT).

2. JUBY SEBASTIAN, S/O.DEVASSIA,
NADACKAL HOUSE.

BY ADV. SRI.MATHAI VARKEY MUTHIRENTHY
SRI.AJITHA PAUL

RESPONDENTS:
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1. DEPUTY SUPERINTENDENT OF POLICE,
C.B.C.I.D, KOZHIKODE AT CHALAKKARA.

2. C.I. OF POLICE,
C.B.C.I.D, KOZHIKODE AT CHALAKKARA.

BY Government Pleader MR.P A SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, ALONG WITH WPC NO. 34759 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) Nos.34616 & 34759 of 2007

Judgment

Balakrishnan Nair, J.

Mr.Josey Sebastian, Nadackal House, Karimkunnam, Thodupuzha, Idukki district, is an accused in Crime No.185 of 2007 of Pulppally Police Station, registered under Section 55(a) of the Abkari Act and Rules 3 and 8 of the Rectified Spirit Rules. In search of him, the Police are coming to the residence of the petitioners and harassing them. Writ Petition (C) No.34616/07 is filed by the father and the brother of the accused and Writ Petition (C) No.34759/07 is filed by his father-in-law. According to the petitioners, the brother of the accused Sri.Juby Sebastian was taken into custody by the Police and detained there illegally for three days. They submit, they were asked to produce the accused for the release of Sri.Juby Sebastian. It is also submitted that the Police threatened them that they will also be made accused in the above said crime. Confronted with the consistent harassment from the part of the Police officials, these Writ Petitions are filed.

2. The learned Government Pleader upon instruction, denies the allegations of the petitioners. The threat regarding implicating them falsely in the criminal case and also unauthorised detention of the brother of the accused are specifically denied by him. According to the Police, they are only searching for the accused in places where he is likely to be present. It is also submitted that they have no intention to harass the petitioners. This submission is recorded. If the presence of the petitioners is required in connection with the investigation of the aforementioned crime, the Police shall issue notice to them under Section 160 Cr.P.C.

The Writ Petitions are disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

28.11.2007 **K.P.BALACHANDRAN, JUDGE**

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